

INTERNATIONAL HUMAN RIGHTS LAW

I. INTRODUCTION

Obligations stemming from United Nations treaty and Charter based bodies resulted in an active year for New Zealand in 2014. New Zealand engaged, for the first time, with the Committee on the Rights of Persons with Disabilities and also submitted its sixth periodic report¹ under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).² New Zealand underwent its second Universal Periodic Review (UPR) and continued its active engagement within the UN Human Rights Council. This note reviews these and other aspects of New Zealand's state practice in the area of human rights in 2014.

II. ENGAGEMENT WITH HUMAN RIGHTS TREATY MONITORING BODIES

A. Concluding Observations of the Committee on the Rights of Persons with Disabilities

In September 2014,³ the Committee on the Rights of Persons with Disabilities (the Committee) considered New Zealand's initial report⁴ on its implementation of the Convention on the Rights of Persons with Disabilities (CRPD or Convention).⁵ The Committee commended New Zealand on its various strategies and plans regarding persons with disabilities, as well as the establishment of an independent monitoring mechanism under art 33 of the CRPD.⁶

A number of areas of concern were identified including New Zealand's failure to ratify the Optional Protocol to the CRPD⁷ and the enactment of the Public Health and Disability Amendment Act 2013.⁸ The Committee was also concerned at the absence of a separate definition of "reasonable accommodation" in the Human Rights Act 1993.⁹ The Committee also

1 Committee Against Torture *Sixth Periodic Reports of States Parties due in 2013: New Zealand* CAT/C/NZL/6 (2014).

2 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1465 UNTS 87 (opened for signature 10 December 1984, entered into force 26 June 1987).

3 CRPD *Summary Record of the 143rd meeting* CRPD/C/SR.143 (2014) and CRPD *Summary of the 144th meeting* CRPD/C/SR.144 (2014).

4 CRPD *Initial Report by New Zealand* CRPD/C/NZL/1 (2012). See also, the Committee's list of issues (CRPD/C/NZL/Q/1) and New Zealand's written replies (CRPD/C/NZL/Q/1/Add.1).

5 Convention on the Rights of Persons with Disabilities 2515 UNTS 3 (opened for signature 30 March 2007, entered into force 3 May 2008).

6 CRPD *Concluding Observations of the Committee on Rights of Persons with Disabilities* CRPD/C/NZL/CO/1(2014) at [4].

7 At [6].

8 At [9]-[10].

9 At [11]-[12].

recommended that New Zealand immediately replace substituted decision-making with supported decision-making.¹⁰ The lack of focus on human rights principles in the Accident Compensation scheme¹¹ and the Mental Health (Compulsory Assessment and Treatment) Act 1992 were a concern and the Committee recommended the latter be amended to comply with the Convention.¹² The Committee expressed concern at the level of protection of the rights of persons with disabilities under the criminal justice system,¹³ as well as at the uncertainty around whether the Domestic Violence Act 2013 protected persons with disabilities.¹⁴ It also recommended that legislation be enacted prohibiting the use of sterilisation on children and adults with disabilities, in the absence of their prior, fully informed and free consent.¹⁵ It called for the extension of programmes to enable more persons with disabilities to live independently in the community and to exercise choice and control regarding where they live.¹⁶ The Committee called for improvements in the use of sign language, particularly in relation to Māori and Pacific peoples.¹⁷

The Committee recommended that the Children, Young Persons and Their Families Act 1989 and the Vulnerable Children Act 2014 be re-examined to ensure that children with disabilities have the same safeguards as other children when they are placed in out-of-home care. It also recommended the amendment of the Adoption Act 1955 to ensure that parents with disabilities are treated on an equal basis with other parents with respect to adoption.¹⁸ The Committee made recommendations for improved access to education and health¹⁹ and called for measures to be strengthened to enhance the health outcomes of Māori and Pacific persons with disabilities.²⁰

Disparities in income levels stemming from remuneration, as well as social protection, were matters of concern as the Committee noted, *inter alia*, that children with disabilities were overrepresented in statistics on child poverty.²¹ The need for improvements in the rights to participation in political and public life, as well as participation in cultural life, recreation, leisure and sport were identified.²² The Committee called for the dissemination of data on the rights of persons with disabilities²³ as well as

10 At [22].

11 At [23]-[24].

12 At [29]-[30].

13 At [33]-[34].

14 At [35]-[36].

15 At [38].

16 At [39]-[40].

17 At [41]-[44].

18 At [45]-[48].

19 At [49]-[50].

20 At [51]-[54].

21 At [59]-[60].

22 At [62]-[66].

23 At [67]-[70].

the dissemination of its own concluding observations and recommendations across government and non-government actors, including to persons with disabilities themselves.²⁴

B. Follow-Up Information provided by New Zealand on the Concluding Observations of Treaty Monitoring Bodies

In 2014, New Zealand presented follow-up information to the Committee on the Elimination of All Forms of Discrimination Against Women (the Committee), which discussed the steps undertaken to implement the Committee's recommendations on disadvantaged groups of women and discrimination against women in marriage and family relations.²⁵

New Zealand also presented further information outlining developments in response to recommendations made by the Committee on the Elimination of Racial Discrimination on New Zealand's eighteenth to twentieth periodic reports²⁶ relating to the national action plan on human rights, incitement of racial hatred on the internet, the Waitangi Tribunal's 2011 Wai 262 decision and the preservation of Māori and Pasifika languages.²⁷

C. UN Subcommittee on Prevention of Torture Country Report

As per its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT),²⁸ the UN Subcommittee on Prevention of Torture (SPT or Subcommittee)²⁹ issued its country report on New Zealand in 2014, following the Subcommittee's visit to New Zealand in 2013.

The Subcommittee expressed concern about the independence, staffing, resources, status and visibility of New Zealand's National Preventive Mechanism (NPM) and it recommended a series of improvements in that regard.³⁰ The SPT was deeply concerned at legislative gaps protecting the right of everyone not to be subjected to torture or to cruel, degrading, or disproportionately severe treatment or punishment, gaps that stemmed from New Zealand's reservation to UNCAT (art 14)³¹ and the Convention on the

24 At [73]-[75].

25 CEDAW *Information received from New Zealand on follow-up to the concluding observations on the seventh periodic report of New Zealand* CEDAW/C/NZL/CO/7/Add.1 (2014).

26 CERD *Concluding Observations on the eighteenth to the twentieth periodic reports of New Zealand* CERD/C/NZL/18-20 (2013).

27 CERD *Information received from New Zealand on follow-up to the concluding observations on the eighteenth to twentieth periodic reports of New Zealand* CERD/C/NZL/CO/18-20/Add.1 (2014).

28 Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 2375 UNTS 237 (opened for signature 4 February 2003, entered into force 22 June 2006).

29 Committee Against Torture *Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to New Zealand* CAT/OP/NZL/1 (2014).

30 At [11]-[17].

31 Above n 1.

Rights of the Child (UNCRC) (art 37(c)).³² The SPT was concerned at the Attorney-General's wide discretion to prosecute crimes of torture under s 12 of the Crimes of Torture Act 1989 and recommended that the reservations be withdrawn and current and proposed legislation be revisited.³³ Concerns were also raised regarding New Zealand's institutional framework for the classification of detainees,³⁴ the lack of reduction in the prison population,³⁵ as well as prison violence.³⁶

The SPT recommended that New Zealand ensures that the police inform arrested or detained persons of the reasons and their rights at the time of their arrest or detention and, in particular, that young people understood their rights and entitlements.³⁷ Although the SPT was concerned at the low legal age for criminal responsibility, it commended New Zealand on its Youth Justice Residences and efforts to improve the regime of juveniles remanded in custody.³⁸ The SPT noted the disproportionately high number of Māori at every stage of the criminal justice system and recommended that New Zealand focus on programmes which support reformation and reintegration, produce tangible outcomes and focus on preventing reoffending.³⁹

The Subcommittee expressed concern at the lack of a national strategy on the provision of mental health care in places of detention and called for a significant increase in provision of such services.⁴⁰ According to the SPT, the denial of these services may amount to ill-treatment.⁴¹

The SPT was concerned at certain aspects of the detention regime in penitentiary institutions.⁴² It also noted that the facilities at the Mangere refugee and asylum centre would subject occupants to undignified living conditions were they to be fully occupied.⁴³

New Zealand has responded to the SPT's recommendations clarifying some aspects of the Subcommittee's report and indicating if and how it would follow the latter's recommendations.⁴⁴

32 United Nations Convention on the Rights of the Child 1577 UNTS 3 (opened for signature 20 November 1989, entered into force 2 September 1990).

33 At [19]-[23].

34 At [24]-[29] and [68]-[81].

35 At [33]-[34].

36 At [35].

37 At [42]-[43].

38 At [53]-[57] and [91]-[97].

39 At [50]-[52].

40 At [58]-[60].

41 At [64]-[67].

42 At [82]-[90].

43 At [103]-[106].

44 OPCAT *Replies of New Zealand to the recommendations and questions put forward by the Subcommittee on Prevention of Torture in its report on its first periodic visit to New Zealand* CAT/OP/NZL/Add.1 (2014).

D. Human Rights Committee Jurisprudence

In *XQH v New Zealand*,⁴⁵ the author, a Chinese citizen, claimed that New Zealand violated her rights under arts 17(1), 23(1), 24 (1), 14 (1),(2) and (3(a)) of the International Covenant on Civil and Political Rights.⁴⁶ Although she had been granted a work visa and had applied for a residence permit after her marriage to a New Zealand citizen, she claimed that she was at risk of deportation if her marriage terminated. The Committee considered these arguments as going beyond the bounds of eventuality and theoretical possibility and that, consequently, she was currently not in a position to claim the status of a victim within the meaning of the Optional Protocol to the International Covenant on Civil and Political Rights (OP-I),⁴⁷ art 1. In relation to arts 2(3) and 14(1), because the author made no allegation on which to revisit the related judicial decisions and proceedings, the Committee concluded that the allegations were inadmissible under OP-I, art 2.

III. ENGAGEMENT WITH CHARTER BASED BODIES

A. Universal Periodic Review

New Zealand's second UPR took place in January 2014. The HRC considered and adopted the outcome of the review in June.⁴⁸ A total of 155 recommendations were made to New Zealand, 121 of which were accepted, and 34 recommendations were rejected.⁴⁹

In terms of some of the recommendations that it accepted, New Zealand indicated its willingness to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CPED)⁵⁰

45 Human Rights Committee, Communication No 2197/2012, CCPR/C/110/D/2197/2012 (2014).

46 At [2.2]-[2.5]. International Covenant on Civil and Political Rights 999 UNTS 171 (opened for signature 16 December 1966, entered into force 23 March 1976).

47 Optional Protocol to the International Covenant on Civil and Political Rights 999 UNTS 171 (opened for signature 16 December 1966, entered into force 23 March 1976).

48 The Review was based on the following documents: Human Rights Council *National Report submitted in accordance with paragraph 5 of the annex to the Human Rights Council resolution 16/21: New Zealand* A/HRC/WG.6/18/NZL/1 (2013); Human Rights Council *Compilation prepared by Office of the High Commissioner for Human Rights in accordance with paragraph 15(b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21: New Zealand* A/HRC/WG.6/18/NZL/2 (2013); Human Rights Council *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21* A/HRC/WG.6/18/NZL/3 (2013). See Human Rights Council *Report of the Human Rights Council on its twenty-sixth session* A/HRC/26/2 (2014) at [328]-[330].

49 See, Human Rights Council *Report of the Working Group on the Universal Periodic Review: New Zealand Addendum* A/HRC/26/3/Add.1 (2014) [*New Zealand Addendum*].

50 International Convention for the Protection of All Persons from Enforced Disappearance 2716 UNTS 3 (opened for signature 20 December 2006, entered into force 23 December 2010).

(recommendations 1, 3 and 4) and the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD)⁵¹ (recommendations 6 and 7) and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP-CRC-IC)⁵² (recommendation 4).⁵³ However, New Zealand rejected recommendations 8 and 9 to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR)⁵⁴ and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)⁵⁵ (recommendations 17-23, 26).⁵⁶ New Zealand also rejected recommendations 31-35, calling for the incorporation of economic, social and cultural rights into the New Zealand Bill of Rights Act 1990, on the grounds that the Constitutional Advisory Panel 2010 had recommended continuing the conversation on economic, social and cultural rights.⁵⁷ Although New Zealand accepted recommendation 37 to continue its efforts in advancing its Constitutional Review process including constitutional issues affecting the Māori people, it rejected recommendation 38 to continue to address all forms of political, economic and social discrimination against the Māori and Pacific population by meeting their various demands for constitutional and legal reforms and recognition. New Zealand's rationale in rejecting that recommendation was that the Government is committed to the Treaty of Waitangi and supporting Crown-Māori relationships, and that it engages with Māori and Pasifika on matters relating to discrimination.⁵⁸ Under the broad umbrella of equality and non-discrimination, recommendations were made regarding children, Indigenous people, women, race, persons with disabilities, and migrants, refugees and asylum seekers.⁵⁹

Further recommendations related to the right to life, liberty and security of the person, encompassing violence against women and children. In relation to the latter, New Zealand accepted a range of recommendations,⁶⁰ with its one rejection being the call for a Children's Action Plan to protect vulnerable children from maltreatment on the grounds that New Zealand has

51 Optional Protocol to the Convention on the Rights of Persons with Disabilities 2518 UNTS (opened for signature 13 December 2006, entered into force 3 May 2008).

52 Optional Protocol to the Convention on the Rights of the Child on a communications procedure (opened for signature 28 February 2012, entered into force 14 April 2014).

53 *New Zealand Addendum*, above n 49, at [4].

54 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (opened for signature 10 December 2008, not yet in force).

55 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 2220 UNTS 3 (opened for signature 18 December 1990, entered into force 1 July 2003).

56 *New Zealand Addendum*, above n 49, at [5].

57 At [7].

58 *New Zealand Addendum*, above n 49, at [7].

59 At 3-6.

60 At [20].

other programmes to address intimate partner violence and child poverty.⁶¹ Elsewhere, New Zealand also accepted a recommendation to speed up the Canterbury rebuilding process after the earthquakes.⁶²

New Zealand made a voluntary commitment to publish a mid-term report on the UPR, in 2016, as part of its commitment to on-going action and engagement during the implementation period.⁶³

B. Human Rights Council

New Zealand continued its active participation in the Human Rights Council in 2014. For example, in the 25th session,⁶⁴ along with Mexico, New Zealand sponsored a draft resolution on the right to education of persons with disabilities.⁶⁵ In addition, New Zealand co-sponsored draft resolutions on the mandates of the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression,⁶⁶ on torture and other cruel, inhuman or degrading treatment or punishment⁶⁷ and on the situation of human rights defenders,⁶⁸ as well as the mandate of the Independent Expert on minority issues.⁶⁹ New Zealand also co-sponsored resolutions on, amongst others, the role of good governance in the promotion and protection of human rights,⁷⁰ freedom of religion or belief,⁷¹ and the promotion and protection of human rights in the context of peaceful protests.⁷²

61 At [21].

62 At [25].

63 A/HRC/26/2 at [362].

64 Human Rights Council *Report of the Human Rights Council on its twenty-fifth session* A/HRC/25/2 (2014) [HRC *Twenty-fifth session*].

65 Human Rights Council *The Right to Education of Persons with Disabilities* A/HRC/25/L.30 (2014); see HRC *Twenty-fifth session*, above n 64, at [295].

66 Human Rights Council *Freedom of opinion and expression: mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* A/HRC/25/L.2/Rev.1 (2014); *The Right to Education of Persons with Disabilities* A/HRC/25/L.30 (2014); see HRC *Twenty-fifth session*, above n 64, at [194].

67 Human Rights Council *Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur* A/HRC/25/L.25 (2014); see HRC *Twenty-fifth session*, above n 64, at [245].

68 Human Rights Council *Mandate of the special rapporteur on the situation of human rights defenders* A/HRC/25/L.24 (2014); see HRC *Twenty-fifth session*, above n 64, at [273].

69 Human Rights Council *Mandate of the Independent Expert on minority issues* A/HRC/25/L.8 (2014); see HRC *Twenty-fifth session*, above n 64, at [211].

70 Human Rights Council *The Role of Good Governance in the promotion and protection of human rights* A/HRC/25/L.13 (2014); see HRC *Twenty-fifth session*, above n 64, at [224].

71 Human Rights Council *Freedom of religion or belief* A/HRC/25/L.19 (2014); see HRC *Twenty-fifth session*, above n 64, at [243].

72 Human Rights Council *The promotion and protection of human rights in the context of peaceful protests* A/HRC/25/L.20 (2014); see HRC *Twenty-fifth session* I, above n 64, at [309].

In the 26th session,⁷³ New Zealand introduced a draft resolution on a Special Rapporteur on the rights of persons with disabilities sponsored by Mexico and New Zealand.⁷⁴ Other activities included participation in interactive dialogue with the Special Rapporteur on violence against women, its causes and consequences,⁷⁵ the high-level panel on the identification of good practices in combating female genital mutilation⁷⁶ and the annual full-day discussion on women's human rights.⁷⁷

New Zealand co-sponsored a number of draft resolutions including those on the death penalty,⁷⁸ extreme poverty and human rights⁷⁹ the elimination of all forms of discrimination against women,⁸⁰ human rights and transnational corporations and other business enterprises⁸¹ and on the mandates of the Special Rapporteurs on the independence of judges and lawyers⁸² and extrajudicial, summary or arbitrary executions,⁸³ respectively.

During the 27th session,⁸⁴ New Zealand sponsored a resolution on preventable maternal mortality and morbidity and human rights⁸⁵ and co-sponsored draft resolutions such as enforced or involuntary disappearances,⁸⁶ local government and human rights,⁸⁷ the safety of journalists,⁸⁸ preventable mortality and morbidity of children under 5 years of age as a human rights

73 Human Rights Council *Report of the Human Rights Council on its twenty-sixth session* A/HRC/26/2 (2014) [HRC *Twenty-sixth session*].

74 Human Rights Council *Special Rapporteur on the rights of persons with disabilities* A/HRC/26/L.9 (2014); see HRC *Twenty-sixth session*, above n 73, at [238].

75 HRC *Twenty-sixth session*, above n 73, at [58(b)].

76 At [112(b)].

77 At [119(b)].

78 Human Rights Council *The Question of the Death Penalty* A/HRC/26/L.8/Rev.1 (2014); see HRC *Twenty-sixth session*, above n 73, at [134].

79 Human Rights Council *Extreme poverty and human rights* A/HRC/26/L.10 (2014); see HRC *Twenty-sixth session*, above n 73, at [152].

80 Human Rights Council *Elimination of discrimination against women* A/HRC/26/L.12 (2014); see HRC *Twenty-sixth session*, above n 73, at [162].

81 Human Rights Council *Human rights and transnational corporations and other business enterprises* A/HRC/26/L.1 (2014); see HRC *Twenty-sixth session*, above n 73, at [247].

82 Human Rights Council *Mandate of the special rapporteur on the independence of judges and lawyers* A/HRC/26/L.18 (2014); see HRC *Twenty-sixth session*, above n 73, at [171].

83 Human Rights Council *Mandate of the special rapporteur on extrajudicial, summary or arbitrary executions* A/HRC/26/L.23 (2014); HRC *Twenty-sixth session*, above n 73, at [200].

84 Human Rights Council *Report of the Human Rights Council on its twenty-seventh session* A/HRC/27/2 (2014) [HRC *Twenty-seventh session*].

85 Human Rights Council *Preventable maternal mortality and morbidity and human rights* A/HRC/27/L.19/Rev.1 (2014); see HRC *Twenty-seventh session*, above n 84, at [200].

86 Human Rights Council *Enforced or involuntary disappearances* A/HRC/27/L.1 (2014); see HRC *Twenty-seventh session*, above n 84, at [157].

87 Human Rights Council *Local Government and human rights* A/HRC/27/L.6 (2014); see HRC *Twenty-seventh session*, above n 84, at [174].

88 Human Rights Council *The safety of journalists* A/HRC/27/L.7 (2014); see HRC *Twenty-seventh session*, above n 84, at [176].

concern,⁸⁹ the right of the child to engage in play and recreational activities,⁹⁰ intensifying global efforts and sharing good practices to effectively eliminate female genital mutilation,⁹¹ equal participation in political and public affairs,⁹² civil society space,⁹³ national institutions for the promotion and protection of human rights⁹⁴ and human rights, sexual orientation and gender identity.⁹⁵

New Zealand engaged in a number of activities stemming from human rights situations in various countries in 2014. In relation to the situation in Syria, New Zealand engaged in interactive dialogue with the Independent Commission of Inquiry on the Syrian Arab Republic⁹⁶ and co-sponsored draft resolutions on the continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic.⁹⁷ New Zealand also participated in discussions stemming from other human rights situations requiring the Council's attention including presentations from the Special Rapporteur on the human rights situation in the Islamic Republic of Iran⁹⁸ and the Democratic People's Republic of Korea.⁹⁹ It also co-sponsored draft resolutions, including those on the human rights situation in the Democratic People's Republic of Korea¹⁰⁰ and Belarus.¹⁰¹

89 Human Rights Council *Preventable mortality and morbidity of children under 5 years of age as a human rights concern* A/HRC/27/L.23 (2014); see HRC *Twenty-seventh session*, above n 84, at [212].

90 Human Rights Council *The right of the child to engage in play and recreational activities* A/HRC/27/L.28 (2014); see HRC *Twenty-seventh session*, above n 84, at [218].

91 Human Rights Council *Intensifying global efforts and sharing good practices to effectively eliminate female genital mutilation* A/HRC/27/L.12 (2014); see HRC *Twenty-seventh session*, above n 84, at [235].

92 Human Rights Council *Equal participation in political and public affairs* A/HRC/27/L.29/Rev.1 (2014); see HRC *Twenty-seventh session*, above n 84, at [244].

93 Human Rights Council *Civil Society Space* A/HRC/27/L.24 (2014); see HRC *Twenty-seventh session*, above n 84, at [255].

94 Human Rights Council *National institutions for the promotion and protection of human rights* A/HRC/27/L.25 (2014); see HRC *Twenty-seventh session*, above n 84, at [926].

95 Human Rights Council *Human rights, sexual orientation and gender identity* A/HRC/27/L.27/Rev.1 (2014); see HRC *Twenty-seventh session*, above n 84, at [931].

96 See HRC *Twenty-fifth session*, above n 64, at [333(b)]; HRC *Twenty-sixth session*, above n 73, at [265(b)]; HRC *Twenty-seventh session*, above n 84, at [295(b)].

97 Human Rights Council *The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic* A/HRC/25/L.7 (2014); see HRC *Twenty-fifth session*, above n 64, at [346]; Human Rights Council *The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic* A/HRC/26/L.4/Rev.1 (2014); see HRC *Twenty-sixth session*, above n 73, at [285]; Human Rights Council *The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic* A/HRC/27/L.5/Rev.1 (2014); see HRC *Twenty-seventh session*, above n 84, at [301].

98 See, for example HRC *Twenty-fifth session*, above n 64, at [337(b)].

99 HRC *Twenty-fifth session*, above n 64, at [329(b)] and HRC *Twenty-sixth session*, above n 73, at [278(b)].

100 Human Rights Council *Situation of human rights in the Democratic People's Republic of Korea* A/HRC/25/L.17 (2014).

101 Human Rights Council *Situation of human rights in Belarus* A/HRC/26/L.14/Rev.1 (2014); see HRC *Twenty-sixth session*, above n 73, at [299].

IV. ACTIVITIES OF THE NEW ZEALAND HUMAN RIGHTS COMMISSION

As an “A status” accredited NHRI, the Human Rights Commission is able to provide information on New Zealand’s human rights performance through UN special procedures and to UN treaty bodies to assist them in making informed recommendations. The Commission can formally participate in the Human Rights Council.

The Commission released its annual report for the year ended 30 June 2014.¹⁰² The Commission sent a copy of its report to the Prime Minister on the Government Communications Security Bureau and Related Legislation Amendment Bill (GCSB Bill) and wider issues relating to surveillance and the human rights of people in New Zealand to the United Nations High Commissioner of Human Rights and to the United Nations Human Rights Committee to inform their consideration of New Zealand’s compliance with its obligations under the ICCPR. After meeting with the Committee in March 2014, the Commission sent an update on further developments to the Committee and to the Office of the High Commissioner for Human Rights in June 2014.¹⁰³ The Commission also released its annual report on its activities under the Optional Protocol to the UN Convention against Torture.¹⁰⁴

The Commission also indicated that it would lead and coordinate the development of Aotearoa New Zealand’s Second National Plan of Action for the Promotion and Protection of Human Rights which will contain actions that the Commission, Government, communities and wider society will take to improve the realisation of rights and freedoms for all people in Aotearoa New Zealand.¹⁰⁵ It also launched the Second Report of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities Aotearoa New Zealand July 2012 - December 2013.¹⁰⁶

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102 New Zealand Human Rights Commission *Annual Report 2014*, (HRC, Wellington, 2014).

103 At 24.

104 New Zealand Human Rights Commission *Monitoring Places of Detention: Annual report of activities under the Optional Protocol to the Convention Against Torture (OPCAT)* (HRC, Wellington, 2014).

105 At 25.

106 New Zealand Human Rights Commission *Second Report of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities Aotearoa/New Zealand July 2012 - December 2013* (HRC, Wellington, 2014).